



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2900

| | | | |
|--------------------|---|------------------------|-----------------------|
| Applicants: | Robert J. Peach et al. | Examiner: | Not yet known |
| Serial No.: | 09/865,321 | Group Art Unit: | 1646 |
| Filed: | May 23, 2001 | Docket No.: | D0028PNP;30436.57USU1 |
| Title: | SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF | | |

55 South Lake Avenue, Suite 710
Pasadena, California 91101
December 4, 2002

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir/Madam:

Applicants are requesting correction of the records of the United States Patent and Trademark Office and issuance of a corrected filing receipt for the above-referenced patent application.

Applicants are providing a photocopy of the filing receipt from the United States Patent and Trademark Office which is amended to indicate the requested corrections. The photocopy of the amended filing receipt is enclosed as **Exhibit 1** (1 page).

Robert J. Peach, et al.
Serial No.: 09/865,321
Filed: May 23, 2001
Page 2

The Domestic Priority data as claimed by applicant should read as follows:

THIS APPLICATION CLAIMS BENEFIT OF 60/214,065 FILED June 26, 2000 **AND**
09/579,927 FILED MAY 26, 2000.

USSN 09/865,321 takes the priority of both USSN 60/214,065 and USSN 09/579,927 as shown on the first page of the originally filed application. (**Exhibit 2**).

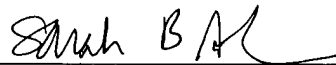
Please correct Attorney docket number from D0028PNP to **D0028PNP; 30436.57USU1** as shown in Exhibit 1.

Please correct filing fee received from 2618 to **3378** as shown in Exhibit 1. **Exhibit 3** is a copy of the check for \$3378 accompanying the subject application filed May 23, 2001.

Correction of the records of the United States Patent and Trademark Office and issuance of a corrected filing receipt are respectfully solicited.

No fee is deemed necessary in connection with the filing of this Request for Corrected Filing Receipt. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Attorney for Applicants
Mandel & Adriano
55 South Lake Avenue, Suite 710
Pasadena, California 91101
626/395-7801
Customer No: 26,941



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

FILE COPY

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/865,321 | 05/23/2001 | Robert J. Peach | DB0028PNP/30436.57USU1 |

CONFIRMATION NO. 2959



OC000000009296359

23914
STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

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JAN 08 2003

Date Mailed: 12/26/2002

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RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.

- ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. 09/579,927 filed 05/26/2000

- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.

- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).

- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.

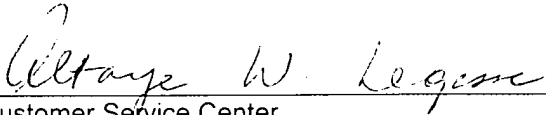
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.

- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center
Office of Initial Patent Examination
(703) 308-1202



Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Peach et al.
Serial No.: 09/865,321
Filed: May 23, 2001
Docket: D0028PNP;30436.57USU1
Title: SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF

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CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on December 4, 2002.

By: 

Name: Tracy Truick

55 South Lake Avenue, Suite 710
Pasadena, California 91101
December 4, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.
- ☒ Request For Corrected Filing Receipt (3 pages)
- ☒ Exhibit 1-Photocopy of Filing Receipt with markings to indicate corrections (1 page)
- ☒ Exhibit 2-Photocopy of page 1 of the originally filed application. (1 page)
- ☒ Exhibit 3-Photocopy of check to cover filing fees. (1 page)
- ☒ Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

MANDEL & ADRIANO

55 South Lake Avenue, Suite 710
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(626) 395-7801

By: 

Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA
Customer No. 26,941

EXHIBIT 1

U.S. SERIAL NO. 09/865,321



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|--------------------------|----------|------------|------------|
| 09/865,321 | 05/23/2001 | 1646 | 2618 3378 | D0028PNP 30436.57US01 | 12 | 66 | 12 |

23914
MARLA J MATHIAS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
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PRINCETON, NJ 08543-4000

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U.S. Patent Law

JUN 13 2001

Docketed Item _____

Due Date _____

Attorney _____

FILING RECEIPT

OC00000006169733

CONFIRMATION NO. 2959

Date Mailed: 06/11/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

✓ Robert J. Peach, San Diego, CA;
✓ Joseph R. Naemura, Bellevue, WA;
✓ Peter S. Linsley, Seattle, WA;
✓ Jurgen Bajorath, Lynwood, WA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/214,065 06/26/2000 AND

09/579,927 Filed
05/26/2000

Foreign Applications

If Required, Foreign Filing License Granted 06/11/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Soluble CTLA4 mutant molecules and uses thereof

EXHIBIT 2

U.S. SERIAL NO. 09/865,321

SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF

This application claims the benefit of the filing dates of U.S. Serial Nos. 09/579,927 (U.S. Provisional Application Serial No. to be assigned), filed May 26, 2000; and 60/214,065 filed June 26, 2000. The contents of all of the foregoing applications in their
5 entireties are incorporated by reference into the present application.

Throughout this application various publications are referenced. The disclosures of these publications in their entireties are hereby incorporated by reference into this application in order to more fully describe the state of the art to which this invention pertains.

FIELD OF THE INVENTION

10 The present invention relates to the field of soluble CTLA4 molecules that are mutated from wild type CTLA4 to retain the ability to bind CD80 and/or CD86.

BACKGROUND OF THE INVENTION

Antigen-nonspecific intercellular interactions between T-lymphocytes and antigen-presenting cells (APCs) generate T cell costimulatory signals that generate T cell
15 responses to antigen (Jenkins and Johnson (1993) Curr. Opin. Immunol. 5:361-367). Costimulatory signals determine the magnitude of a T cell response to antigen, and whether this response activates or inactivates subsequent responses to antigen (Mueller et al. (1989) Annu. Rev. Immunol. 7: 445-480).

T cell activation in the absence of costimulation results in an aborted or anergic T cell
20 response (Schwartz, R.H. (1992) Cell 71:1065-1068). One key costimulatory signal is provided by interaction of the T cell surface receptor CD28 with B7 related molecules on antigen presenting cells (e.g., also known as B7-1 and B7-2, or CD80 and CD86, respectively) (P. Linsley and J. Ledbetter (1993) Annu. Rev. Immunol. 11:191-212).

The molecule now known as CD80 (B7-1) was originally described as a human B cell-associated activation antigen (Yokochi, T. et al. (1981) J. Immunol. 128:823-827; Freeman, G.J. et al. (1989) J. Immunol. 143:2714-2722), and subsequently identified as a
25 counterreceptor for the related T cell molecules CD28 and CTLA4 (Linsley, P., et al.